

JFW

Attorney Docket No. 14364US12



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10/801,472

Filing Date: March 16, 2004

Patent Application Of:

Joseph J. Kubler, et al.

Group Art Unit : 2662

Confirmation No. 1805

For: HIERARCHICAL DATA
COLLECTION NETWORK
SUPPORTING PACKETIZED
VOICE COMMUNICATIONS
AMONG WIRELESS TERMINALS
AND TELEPHONES

CERTIFICATE OF MAILING

I hereby certify that this paper is being
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July 16, 2004

Kevin E. Borg
Kevin E. Borg
Registration No. 51,486
Agent for Applicants

PETITION UNDER 37 C.F.R. §1.182
RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL
APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
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Sir:

Pursuant to 37 C.F.R. § 1.53, Applicant's representative respectfully petitions for acceptance

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of this submission of page 122 of the non-provisional patent application referenced above (the "Application"), in response to the Notice of Omitted Item(s) In A Nonprovisional Application, mailed June 2, 2004, a copy of which is attached. A copy of page 122 is also enclosed.

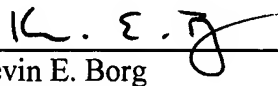
Applicant's representative respectfully submits that the allegedly omitted item was, in fact, deposited in the United States Patent and Trademark Office (USPTO) with the Application as filed on March 16, 2004. A copy of the return postcard submitted with the Application is attached, indicating the total pages submitted to the USPTO. It has been the practice of our firm to count all pages before submission to verify all pages are submitted. Also, the photocopy of the submission in our files contains the allegedly omitted page.

Applicant's representative also respectfully submits that page 122 of the Application is identical to page 122 of United States Patent Application Serial No. 10/141,506 filed May 8, 2002, (Attorney Docket Nos. 14364US01 and DN37998XGB), the complete subject matter of which is incorporated by reference by the Application. The incorporation by reference may be found in the section labeled "CROSS-REFERENCE TO RELATED APPLICATIONS", on page 2 of the Preliminary Amendment as filed with the Application on March 16, 2004. For the convenience of the USPTO, we have enclosed a copy of page 2 of the Preliminary Amendment filed with the Application on March 16, 2004, and a copy of page 122 from United States Patent Application Serial No. 10/141,506. Applicant submits that the enclosed copy of page 122 is identical to that found in the incorporated application, and therefore no new matter is being added.

In accordance with 37 CFR 1.17(h) a check for \$130.00 is enclosed to cover the petition fee. However, it is hereby respectfully requested that the petition fee be refunded upon determination that the item allegedly omitted was, in fact, received by the USPTO. If any other fees

are due as a result of filing this petition, the Commissioner is hereby authorized to charge any fees associated with the filing of this petition, or deposit any overcharge and refunds, to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,



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Dated: July 16, 2004